

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JASON WAYNE NAILLIEUX, et al.,

Plaintiffs,

1:18-cv-00889 (BKS/DJS)

v.

UNITED STATES MINT (MONEY),

Defendant.

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**Appearances:**

Jason Wayne Naillieux  
Brooklyn, NY 11221  
*Plaintiffs, pro se*

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

On July 31, 2018, Plaintiff pro se Jason Wayne Naillieux commenced this action by filing a complaint and a motion for leave to proceed in forma pauperis. (Dkt. Nos. 1, 2). This matter was referred to United States Magistrate Judge Daniel J. Stewart who, on August 27, 2018, issued a Report-Recommendation and Order recommending that Plaintiff's complaint be dismissed, with leave to amend pursuant to 28 U.S.C. § 1915, for failure to state a claim. (Dkt. No. 6). Magistrate Judge Stewart advised Plaintiff that, under 28 U.S.C. § 636(b)(1), he had 14 days within which to file written objections to the Report-Recommendation, and that the failure to object to the Report-Recommendation within 14 days would preclude appellate review. (*Id.* at 8). On September 14, 2018, Plaintiff filed an amended complaint. (Dkt. No. 8). Plaintiff did not file objections to the Report-Recommendation.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

**ORDERED** that Magistrate Judge Stewart’s Report-Recommendation (Dkt. No. 6) is **ADOPTED** in all respects; and it is further


**ORDERED** that Plaintiff’s complaint (Dkt. No. 1) is **DISMISSED without prejudice**, with leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim; and it is further

**ORDERED** that the amended complaint (Dkt. No. 8) is referred to Magistrate Judge Stewart for review under 28 U.S.C. § 1915(e); and it is further

**ORDERED** that the Clerk serve a copy of this Order on the plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: September 27, 2018  
Syracuse, New York

  
Brenda K. Sannes  
U.S. District Judge